

EXECUTIVE DEPARTMENT OFFICE OF MANAGEMENT AND BUDGET Budget Development, Planning and Administration State Planning Coordination

November 18, 2008

Ms. Diane Cahall Town of Magnolia P.O. Box 233 Magnolia, De 19962

RE: PLUS review – 2008-10-04; Town of Magnolia

Dear Ms. Cahall:

Thank you for meeting with State agency planners on October 22, 2008 to discuss the proposed Town of Magnolia draft comprehensive plan.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments: These comments must be addressed in order for our office to consider the plan amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the <u>Del. Code</u>.

• The plan must be revised to address the Town's position on redevelopment issues. The housing recommendations on page 21 may be a start, in that they discuss marketing "fixer-upper" homes to first time home buyers and also preserving community character through increased code enforcement, particularly for historic properties.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

Office of State Planning Coordination - Contact: David Edgell 739-3090

Our office would like to commend the Town of Magnolia on a well crafted comprehensive plan. It is clear that this plan has been drafted by a dedicated group of citizen planners who gave a great deal of thought to the preservation of the Town's character while preparing the community for the future. It is hoped that the members of the Council and the Planning Commission can retain their momentum and implement the plan recommendations. As always, our office is available to assist the town with any planning, zoning or development issues.

Except for the one item listed as a certification item above, we find that the plan meets the requirements for a "municipal development strategy" under the criteria found in <u>Delaware Code</u>.

We do have one recommendation:

• We recommend that the Town enter into a Memorandum of Understanding (MOU) with our office regarding the Preliminary Land Use Service (PLUS). PLUS is a pre-review process that enables State agencies to comment on conceptual site and subdivision plans before they are submitted to local governments. It is required by <u>Delaware Code</u>. The MOU would allow us to specify how our process should work with your town procedures, and we are also enabled to review and adjust the thresholds and criteria found in the statute to better meet your town's needs. The MOU may be drafted and signed before or after plan certification. Our office will be in touch with your town to set up a meeting to discuss the MOU.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

No comments received.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Section 1-3 provides a very good description of the public participation process, but it could be improved by mentioning the numbers of people attending the various public meetings. Such statistics can be helpful in deflecting allegations that the Plan was adopted without adequate public involvement.
- 2) The Town should be congratulated on its success with its survey. A 44 percent response rate is excellent!
- 3) DelDOT is aware of two things that seem relevant but were not mentioned in the section on Libraries and Schools (page 23):

- a) As part of the Chaselynd Hills subdivision, planned south of town at the intersection of Clapham Road (US 113A) and Sophers Row (Kent Road 377), the developer had set aside land for a county library. We recommend that the Town contact the County regarding the status of this development and the library site and mention the site in the Plan if appropriate.
- b) The Caesar Rodney School District is undertaking a significant expansion of the McIlvaine Early Childhood Center. It may be appropriate to mention that expansion.

<u>The Department of Natural Resources and Environmental Control - Contact:</u> Kevin Coyle 739-9071

Water Resources/Water Quality

General Comments

1) The Plan should make specific recommendations for reducing imperviousness. The following recommendations could be incorporated in an ordinance:

Require the use of pervious paving materials, whenever practicable, in lieu of conventional paving materials. The use of pervious paving materials is especially important for large commercial parking lot areas. Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete, is an example of a practical BMP that could easily be implemented to help reduce surface imperviousness.

Require an impervious surface mitigation plan for all residential and commercial development exceeding 20% imperviousness. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate mitigation of said impacts and/or if impacts cannot be mitigated, the site plan will be modified to reduce the impact of impervious cover. Additionally, it is further recommended the pervious paving materials be required. In commercial areas, it is strongly recommended that pervious paving materials be required for at least 50% of the total paved surface area(s).

Define how developers may calculate surface imperviousness. This ordinance should specify and require that the calculation for surface imperviousness include all of the following forms of constructed surface imperviousness: all paved surfaces (e.g., roads, sidewalks, and parking areas), rooftops, and open-water stormwater management

structures. For planning purposes, the Department utilizes Technical Release 55 (TR-55), Urban Hydrology for Small Watersheds, published by the U.S. Department of Agriculture, Natural Resources Conservation Service, June 1986 (see Table 2-2a, page 2-5).

2) The Plan should make a recommendation to protect open space via ordinance

It is strongly recommended that the Town adopt an "open-space" ordinance recommendation which specifically excludes structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and wetlands from consideration as open space. The Department defines "open space" as those areas with public value in a predominantly natural state and undeveloped condition. Such areas may contain, but are not limited to, wildlife and native plant habitat, forest, farmland, meadows, wetlands, floodplains, shorelines, stream corridors, steep slopes, and other areas that have species or habitats of conservation concern.

Open Space may be preserved, enhanced and restored in order to maintain or improve the natural, ecological, hydrological, or geological values. An important design element to consider when incorporating Open Space in a development is to take maximum advantage of adjoining Open Space areas. This will advance the goal of an interconnected network of habitat corridors for wildlife and provide for future potential linkages.

Open Space is not:

- impervious surfaces (e.g., roads, parking lots, sidewalks, buildings)
- swimming pools or ponds that are lined or contain an impervious substrate
- stormwater management structures
- wastewater treatment systems

Types of Recreational Open Space:

- *Passive*-Passive recreation areas include only low-impact activities having little or no disturbance on natural features.
- *Active*-Active recreation areas (e.g., ball fields, playgrounds) should be placed only in Open Space areas that do not already contain natural habitat.

Specific Comments

Page 33, Total Maximum Daily Loads (TMDLs): We feel that water quality and total maximum daily loads should include more specifics and clarifying commentary. Therefore, we suggest that you eliminate the first three paragraphs under this section and replace with the following narrative and table:

Magnolia is located within the St. Jones River watershed which is impaired according to Section 303(d) of the Clean Water Act. Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses (e.g., swimming, fishing, and

drinking water). A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment or maintenance of the applicable narrative and numerical water quality standards. Therefore, a TMDL is the sum of the individual Waste Load Applications (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality. In simplistic terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact. A Pollution Control Strategy (PCS) identifies the actions necessary to systematically achieve the pollutant load reductions specified by the Total Maximum Daily Load(s). Reducing the pollutants to the level specified by the TMDL(s) will ensure that a water body meets the water quality criteria and goals required for compliance with the State Water Quality Standards. The projected completion and passage of the St Jones River PCS into law is expected by June 2009. The Town of Magnolia is located within the St. Jones River watershed of the greater Delaware River and Bay drainage. This watershed is assigned a range of nutrient (nitrogen and phosphorus) and bacterial TMDL load reduction requirements that, as mentioned previously, must be met in order to meet the State Water Quality Standards (See table 1).

| Delaware River and Bay drainage | N- reduction requirements | P-reduction requirements | Bacteria- reduction requirements |
|------------------------------------|------------------------------|--------------------------|--|
| St. Jones River watershed | 40% | 40% | 90% |

Table 1: TMDL nutrient (nitrogen and phosphorus) and bacteria reduction requirements for the St. Jones River watershed.

Although BMPs were recommended in the Plan under the first paragraph, we suggest the following DNREC- recommended BMPs be incorporated in a sentence at the end of the 4th full paragraph (i.e., Since the land use in Magnolia...etc.): Use of green-technology stormwater practices in lieu of conventional open-water stormwater management practices; maintaining or requiring the recommended DNREC 100-foot upland buffer widths from streams and wetlands; and mandating the use of pervious paving material to reduce surface imperviousness wherever practicable.

Page 34, Wetlands: We suggest the Plan narrative include the following Federal and State wetlands regulatory programs for protecting nontidal and tidal wetlands:

Regulatory Protection of wetlands is mandated under Section 404 provisions of the Federal Clean Water Act. Certain other wetlands (mainly in tidal areas or sites containing regulated headwater streams) are accorded additional regulatory protection under Title 7, Chapter 66, provisions of the State of Delaware's Code. Verification of wetland presence is provided through a United States Army Corps of Engineers

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(USACE) approved field wetlands delineation and/or an official DNREC wetland jurisdictional determination.

Page 35, Soils: The Plan should reference the recently completed soil survey update for soils information in the immediate vicinity of Magnolia. Please contact the Natural Resources Conservation Service (NRCS), Dover Office, at (302) 741-2600, extension 3, for additional information.

Page 36, Plan recommendations, Natural Resources: The Plan should offer more specific "actionable" environmental protection strategies than currently offered. We recommend an ordinance or ordinances which would:

- a) Require all applicants to submit to the Town a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.
- b) Help protect freshwater wetlands where regulatory gaps exist between federal and state jurisdictions (i.e., isolated wetlands and headwater wetlands).
- c) Require a 100-foot upland buffer width from all wetlands or water bodies (including ditches).
 - Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements A Review.* J. Environ. Qual. 23: 878), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).
- d) Exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and regulated wetlands from consideration as open space.
- e) Require an impervious cover mitigation plan for all residential developments exceeding 20% imperviousness. In commercial developments, it is strongly recommended that pervious paving materials be required for at least 50% of the total paved surface area(s) where practicable.
- f) Require the calculation for surface imperviousness for all commercial and residential development include all constructed forms of surface imperviousness,

including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and openwater stormwater management structures.

- g) Require the assessment of a project's TMDL nutrient loading rate through use of the Department's nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices (BMPs) to meet the required TMDLs for the affected watershed(s) in question.
- h) Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel or through the submission of a field soil survey of the parcel by a licensed soil scientist.
- i) Require the applicant to use "green-technology" stormwater management in lieu of "open-water" stormwater management ponds whenever practicable.

Water Resource Protection Areas

The Water Supply Section, Groundwater Protection Branch (GPB) has found wellhead and excellent ground-water recharge potential areas within the Town's municipal boundaries (see following map).

GPB agrees with the Comprehensive Plan Draft statement that it would be prudent to review the measures recommended by DNREC and adopt measures that would be appropriate. GPB applauds the Town's intent to protect source water protection areas.

GPB found some contextual errors and suggests the Town review additional references in order to understand and provide for continued security and quality of its public water supplies.

On Page 28, the last paragraph refers to passage of Senate Bill 119 of the 2001 Delaware General Assembly. The Plan should cite Title 7, Delaware Code, Chapter 60, Subchapter VI, § 6082 instead of the Senate Bill 119.

In addition to using the *Source Water Protection Guidance Manual for the Local Governments in Delaware*, the Town would benefit from referring to the following publications for guidance and language in development of their ordinance:

 The Kent County source water protection measures: Ordinances LC07-36 and 08-15

 $\underline{http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/kent_swp_ord_f}$ $\underline{ini.pdf}$

 Draft Model Ordinance for Smaller Municipalities of Kent and Sussex Counties http://www.wr.udel.edu/swaphome/Publications/SWPOrdinances/FinalDraftModelordinance_KnS_041408.pdf Ground-Water Recharge Potential Mapping in Kent and Sussex Counties,
 Delaware: Delaware Geological Survey Report of Investigations No. 66
 http://www.dgs.udel.edu/publications/pubs/ReportOfInvestigations/ri66.pdf

Additional resources can be found at the Delaware Source Water Assessment and Protection Program Homepage: http://www.wr.udel.edu/swaphome/index.html

Town of Magnolia, DE



Sediment and Erosion Control/Stormwater Management

Chapter 2, Municipal Development Strategy, Page 30, Section 2-4, Water, Wastewater, and Stormwater Management

The Drainage and Stormwater Section applauds the Town for recognizing the need to strengthen the Town's ordinances in regards to stormwater and water quality and ask for the following recommendations be considered to achieve those goals.

- Be advised the Sediment and Stormwater Program is currently undergoing revisions to the sediment and stormwater regulations. It is unclear at this time when the new regulations will be promulgated.
- Review Town ordinances and revise as necessary to promote green technology best management practices for stormwater.
- The Division of Soil and Water Conservation is requesting that the Town incorporate a requirement for a stormwater and drainage review into the Town's preapproval requirements for new development requests. Proposed development projects should hold a pre-application meeting with the delegated agency, the Kent Conservation District, to discuss stormwater and drainage prior to the Town reviewing and/or approving plans or issuing building permits. The Sediment and Stormwater Program is set to begin requiring a pre-application meeting for all proposed land disturbing activities that require a detailed Sediment & Stormwater Plan within the coming year. These meetings are structured to assist developers in the design process and for early notification of approval requirements. In order to schedule a pre-application meeting, the applicant must forward a completed Stormwater Impact Study (SIS) to the appropriate Delegated Agency. Please contact Jennifer Campagnini or Elaine Webb with the DNREC Sediment and Stormwater Program if you have any questions regarding this new process. Please note that this process does not replace the State's PLUS process. The SIS Findings report will also be provided through that process.
- Lines and grades: If the Town does not have a lines and grades requirement for new construction, the Division recommends this be considered to help resolve drainage issues arising from new construction during and post construction. County/municipal building inspectors would be able to use approved lines and grades requirement to field verify prior to issuance of Certificate of Occupancy or building permit, as appropriate.
- The Town should pursue drainage easements along waterways, ditches, and storm
 drains where currently there is none. This would give the Town the ability to hire
 contractors to remove blockages without the time consuming task of the State
 obtaining permission to trespass on the property.
- Explore the feasibility of stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to the Kent Conservation District, Kent County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.
- Develop a Master Drainage Plan for the Town.

- Water bodies, ponds, intermittent and perennial streams, along with ditches, should be buffered from development. When applied in conjunction with a Drainage Management Plan, existing buffers should be enhanced or new buffers planted to obtain riparian buffers on each side of the existing water conveyance. Key components for an ordinance to achieve this recommendation are:
 - Consider future drainage maintenance before planting riparian buffers.
 Planted trees and shrubs should be native species, spaced to allow for a
 small backhoe or excavator to work through when trees are at maturity.
 Tree and shrub planting in this manner will provide a shading effect
 promoting water quality while allowing future drainage maintenance.
 - Do not plant trees closer than 5 feet of the top of the bank to avoid future blockages within the channel from tree roots.
 - Plant the balance of the buffer, as well as stream and ditch banks, with herbaceous vegetation to aid in the reduction of sediment and nutrients entering into water conveyance.
 - Grasses, forbs and sedges planted within these buffers should be native species, selected for their height, ease of maintenance, erosion control, and nutrient uptake capabilities.
 - Remove invasive vegetation prior to the planting of native species.

Page 36, Plan Recommendations, Natural Resources

Recommendation 1

 Explore the feasibility of stormwater utility to fund upgrades to stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to the Kent Conservation District, Kent County, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Recommendation 2

Existing woodland and riparian corridors provide valuable wildlife habitat as well
as soil erosion protection and water quality filtering. The Town can adopt
ordinances that are more stringent than the current State of Delaware Sediment
and Stormwater regulations and protect woodland, riparian buffers, and wetlands
by not allow the clearing of woodland, riparian buffers, and wetlands for the
creation of stormwater management areas.

Recommendation 4

- Designate all wetland buffers as un-subdivided open space. No portion of any building lot should be within the buffers. During prolonged wet periods, the wetland buffers may become too wet for normal residential use. Designation as open space will aid in the prevention of decks, sheds, fences, kennels, and backyards being placed within the buffers thereby reducing nuisance drainage complaints.
- Require a Drainage Management Plan for new subdivisions which border a stream or ditch. Streams and ditches will require periodic reconstruction at intervals dependent upon the sedimentation load from upstream. Periodic reconstruction involves the removal of sediment from the ditch bottom to establish or reestablish a design grade. The removed sediment, referred to as spoil, is typically disposed of by spreading or piling alongside the stream or ditch. A Drainage Management Plan would include points of access for maintenance equipment, and designate spoil disposal areas.

Recommendation 6

- Explore the use of drainage ways and other open space set aside for drainage maintenance for bicycle and pedestrian interconnections in new developments.
- The Town should identify existing open channels within the Town boundary, and future annexation areas, as these channels may require maintenance in the future. The riparian buffers along the channels provide a multitude of benefits to water quality and wildlife along with recreational opportunities. The development of a master drainage plan could also serve as a guide to link future development open space as greenways.

Natural Heritage and Endangered Species

Chapter 2, Section 2.5, Natural Resources, Wetlands

In the event of future development in areas that contain wetlands or riparian areas, the Town should require upland buffers of 100 feet (at an absolute minimum). Current required buffer widths do not appear to recognize scientific research indicating that 100-foot vegetative buffers (not comprised of mowed grass) are necessary to adequately protect water quality. In addition, upland zones around wetlands are critical to many species of wildlife, providing travel corridors, foraging and breeding areas.

Rare Species

DNREC highly recommends that the Town require developers, or applicants of development projects, to contact the Natural Heritage and Endangered Species Program (NHESP) of DNREC's Division of Fish and Wildlife to determine if their project

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activities will impact a state-rare or federally listed species. In some cases a site visit may be requested in order to provide the necessary information. The Town should then consider requiring implementation of recommendations provided by the NHESP before approving site plans.

Contact information:

Environmental Review Coordinator Natural Heritage and Endangered Species Program DNREC-Division of Fish and Wildlife 4876 Hay Point Landing Rd Smyrna, DE 19977

Parks and Recreation

2-5, Natural Resources

In May and June of 2008, the Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings will be the foundation of the 2008-2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities.

Eighty-eight percent of residents living in Kent County indicated that outdoor recreation was very or somewhat important to them. Based on the public opinion survey, the most needed outdoor recreation facilities in Kent County include: Walking/jogging paths, public swimming pools, bicycle paths, open space for passive recreation, playground, and picnic spaces or gathering areas. Currently, the Town of Magnolia does not have a public park. Because of the importance of outdoor recreation in Kent County, the Town of Magnolia should work to incorporate some of these opportunities in the development of their comprehensive plan.

The Division of Parks and Recreation provides matching grant assistance through the Delaware Land and Water Conservation Trust Fund (DTF) to local governments for land acquisition and for park development. Lands that have received DTF assistance must remain as open space for conservation or recreation purposes in perpetuity. The Town of Magnolia could benefit from this program when working to incorporate a public park or outdoor recreational facilities. Additionally, there is currently a lot of undeveloped land within the town's boundary. The town should consider the inclusion of open space requirements in its subdivision code for any new development.

Air Quality

How does the City intend to address, or is already addressing, mitigation for the impacts of residential development on air quality (e.g., higher density to promote more walkability/transit-friendliness, planting more trees, the Energy Star program, etc.)?

Under/Aboveground Storage Tanks

Should any underground storage tanks or petroleum-contaminated soil be discovered by any person during construction, the DNREC-TMB and the DNREC Emergency Response Hotline at must be notified within 24 hours. The DNREC-TMB and the Emergency Hotline may be reached at (302) 395-2500 and at (800) 662-8802, respectively. In addition, should any contamination be encountered, PVC pipe materials will have to be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.

All plans for UST system installations must be approved in advance by the TMB with exception of UST systems of 1,100 gallons or less that contain heating fuel for consumptive use on the premise where it is stored or that contain motor fuels for non-commercial purposes.

If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the DNREC-TMB. If any ASTs greater than 12,500 gallons are installed, they are subject to installation approval by the DNREC-TMB.

When developing ordinances, should the municipality anticipate being more restrictive than Delaware's *Regulations Governing Underground Storage Tank Systems* or Delaware's *Regulations Governing Aboveground Storage Tanks*, please be aware that the municipality shall be responsible for enforcing the more restrictive rules.

Site Investigation and Restoration

The Site Investigation and Restoration Branch (SIRB) encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites. Although SIRB has no specific comments regarding the proposed comprehensive plan at this time, if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances. If a release or imminent threat of a release of hazardous substances is discovered during the course of future development (e.g., contaminated water or soil); construction activities should be discontinued immediately, and DNREC should be notified at the 24-hour emergency number (800-662-8802). In addition, SIRB should be contacted as soon as possible at 302-395-2600 for further instructions.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

No comments received.

Department of Agriculture - Contact: Scott Blaier 739-4811

The Department would like to congratulate the town on a well-written draft comprehensive plan. The Department would like to offer the following comments.

The Delaware Forest Service encourages the Town of Magnolia to develop a formal urban forestry management plan that addresses a tree canopy goal. Trees are a vital part of any community and the Delaware Forest Service recommends that trees be preserved during the development process. A tree ordinance protecting existing woodlands in future development as well as existing street trees can be developed and implemented to address this issue. The Delaware Urban & Community Forestry Program would be glad to offer assistance. Please contact the Delaware Forest Service for more information at (302) 659-6705 or 698-4547.

The Department encourages the town to develop and promote agricultural business whenever possible, specifically farm markets. The Department now has a fully staffed marketing section, and we encourage the town to contact them at (302) 698-4535 to see how they can help. Please contact Kelli Steele of the Department's marketing section to explore agricultural economic development activities. Food safety, nutrition, and wholesomeness are consumer priorities these days, and many people are turning to local sources of food supply. As a result, there are a number of agricultural development opportunities.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

<u>Delaware Division of Public Health- Health Promotion Bureau- contact Michelle</u> Eichinger (302) 744-1011

Ensuring that new residential and commercial development incorporates pedestrian- and bicycle-friendly features allows people to travel by foot or by bicycle and promotes physical activity as part of daily routines. Regular physical activity offers a number of health benefits, including maintenance of weight and prevention of heart disease, type 2 diabetes and other chronic diseases. Research shows that incorporating physical activity into daily routines has the potential to be a more effective and sustainable public health strategy than structured exercise programs. This is particularly important considering about 65% of adult Delawareans are either overweight or obese. This current obesity crisis is also affecting children. Approximately 37% of Delaware's children are overweight or obese, which places them at risk for a range of health consequences that include abnormal cholesterol, high blood pressure, type 2 diabetes, asthma, depression and anxiety.

In Delaware, as in other states across the nation, certain patterns of land use can act as a barrier to physical activity and healthy eating for children and adults alike. Examples of such barriers include neighborhoods constructed without sidewalks or parks and shopping centers with full-service grocery stores situated too far from residential areas to allow for walking or biking between them.

As a way to promote physical activity and access to healthy foods, we recommend that the following be included in the Town of Magnolia Comprehensive Plan Review:

Increase opportunities for physical activity

- Ensure that there are sidewalks, crosswalks and walking/bicycling paths connecting the neighboring residential properties/developments. The plan's recommendation to implement a sidewalk ordinance on new developments and developed properties is encouraged.
- Based on the questionnaire completed by residents, consider designated open space for active and passive recreation. The plan's recommendation to ensure open space in new subdivisions/developments is strongly encouraged. Further, creating a town park will allow opportunities for recreation and physical activity.

Increase opportunities for healthy eating

- Designate an area for a seasonal farm stand or mini farmer's market that will promote the sale of fruits and vegetables. This can be at or near the area of the local post office in which all residents gather to obtain their postal mail.
- Designate an area for a community garden. Community gardens in undeveloped lots or in the town park not only provide residents access to healthy nutrition, but they also provide opportunities for physical activity and community cohesiveness.⁵

¹ Nemours Health and Prevention Services (2005). Delaware Children's Health Chartbook, Newark, DE.

² Active Living by Design. *Transportation Fact Sheet*. Retrieved May 17, 2007, from http://www.activelivingbydesign.org/fileadmin/template/documents/factsheets/Transportation_Factsheet.pd f.

³ Delaware Health and Social Services (2008), *Division of Public Health, Behavioral Risk Factor Surveillance System (BRFSS)*, 1990-2007.

⁴ Nemours Health and Prevention Services (2007). 2006 Delaware Survey of Children's Health Descriptive Statistics Summary, Volume 1.

⁵ Hancock, T. (2001). People, partnerships and human progress: building community capital. *Health Promotion International*, 16(3), 275-80.

Delaware State Housing Authority – Contact Vicki Powers 739-4263

DSHA has reviewed the Municipal Comprehensive Plan for the Town of Magnolia to determine how the Municipality has incorporated the State's goals, policies, and strategies as they relate to affordable housing. Since the Town of Magnolia population is less than 2,000, the Comprehensive Plan is required to state their position on housing growth. DSHA supports the Plan's position on housing growth.

DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create housing for households earning 100% of median income or below.

Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

If you have any questions, please feel free to call me at (302)739-4263 ext. 219 or via email at <u>vicky@destatehousing.com</u>. Thank you.

<u>Department of Education - Contact: John Marinucci 735-4055</u>

The DOE supports the State Strategies for Policies and Spending, to the extent possible and practicable within the limits of the Federal and State mandates under which the Department operates.

- 1. In its review of Comprehensive Plans and Comprehensive Plan Amendments, the DOE considers:
 - Adequate civil infrastructure availability within the region to accommodate current and future educational facilities.
 - Transportation system connections and availability to support multimodal access within the community, to include but not limited to walk paths, bike paths, and safe pedestrian grade crossings.
 - Transportation road system adequacy to accommodate bus and delivery vehicle traffic to current, planned or potential educational facilities.
 - Recreation facilities and opportunities within the community and their respective proximity to current and planned or potential education facilities. The DOE also recognizes the potential that the educational facilities are to be considered recreational facilities by and within the community.
- 2. The DOE *typically* considers industrial/commercial development incompatible with educational facilities, however, residential development and educational facilities *are typically* considered to be compatible. As a result, the DOE is interested in the proximity of current and planned or potential education facilities to commercial/industrial development zones.
- 3. The DOE recognizes the integral role of educational facilities within communities. As such, the DOE seeks to assure that residential growth, that

generates additional demand on educational facilities, is managed with adequate educational infrastructure being made a part of sub-division plans as appropriate.

- 4. The DOE offers its support to assist and participate by coordinating with the Town of Magnolia, the local school districts the County, the Office of State Planning Coordination as well as other school districts and stakeholders as future development and annexations may be considered.
- 5. DOE has no objections or comments regarding the Comp. Plan under consideration.

Approval Procedures:

- Once all edits, changes and corrections have been made to the plan, please submit
 the completed document (text and maps) to our office for review. Your PLUS
 response letter should accompany this submission. Also include
 documentation about the public review process. In addition, please include
 documentation that the plan has been sent to other jurisdictions for review and
 comment, and include any comments received and your response to them.
- 2. Our office will require a maximum of 20 working days to complete this review.
 - a. If our review determines that the revisions have adequately addressed all certification items, we will forward you a letter to this effect.
 - b. If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
- 3. Once you receive our letter stating that all certification items have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.
- 4. Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for her consideration.
- 5. At her discretion, the Governor will issue a certification letter to your City.
- 6. Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

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Thank you for the opportunity to review this plan. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP

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Director

CC: Martin Wollaston